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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ASSURANCE CO. OF AMERICA, et al.	)	Case No.: 2:13-CV-02191-GMN-CWH
	)	
Plaintiffs,	)	EMERGENCY MOTION TO EXTEND
	)	DEADLINE TO FILE JOINT PRETRIAL
vs.	)	ORDER AS ORDERED BY THE COURT
	)	[Dkt. No. 72]; SUPPORTING
IRONSHORE SPECIALTY INS. CO.,	)	DECLARATION THERETO AND ORDER
	)	
Defendant.	)	<u>Expedited Review Requested</u>
	)	
	)	

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

BE ADVISED THAT Plaintiffs hereby move for an order extending the last day to file the Joint Pretrial Order by 45 days to October 12, 2015. The motion is made based on the fact that counsel for the plaintiffs has trials in other matters scheduled for August 21, 2015 and September 14, 2015 that impact plaintiffs' ability to prepare the Pretrial Order. Meanwhile, the paralegal assisting counsel for the plaintiffs in preparing the exhibits for trial is out of the office until September 7, 2015 assisting her daughter and her family in connection with the birth of the daughter's second child.

This motion is brought on an emergency basis given that inadequate time exists to proceed on a regular basis given that the current deadline to file the Joint Pretrial Statement is August 28, 2015 coupled with the fact that this deadline was only recently set by this Court on July 29, 2015. See Dkt. No. 72. Expedited consideration, therefore, is needed for a ruling to issue in advance of the deadline.

1 Plaintiffs have met and conferred with counsel for defendant Ironshore Specialty Ins. Co.  
2 ("Ironshore") regarding the requested 45 day extension. Ironshore's counsel indicated that it will  
3 not oppose the relief requested herein. See Exhibit A.

4 Accordingly, for the reasons discussed herein, it is respectfully requested that this motion be  
5 granted and that the deadline to file the Joint Pretrial Order by 45 days to October 12, 2015.

6 Discussion

7 A Court has the discretion under Rule 16 to modify a discovery plan and scheduling order  
8 for "good cause" prior to the expiration of the deadlines if the pretrial scheduled "cannot reasonably  
9 be met despite the diligence of the parties seeking the extension." McPeck v. Harrah's Imperial  
10 Palace Corp., 2015 WL 2448748 (D. Nev. 2015). Good cause means the scheduling deadlines  
11 cannot be met despite the parties' diligence. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604,  
12 609 (9th. Cir.1992).

13 Respectfully, good cause exists in this case to extend the deadline to file the Pretrial Order.  
14 Counsel for the plaintiffs has trials in other matters scheduled for August 21, 2015 and September  
15 14, 2015 that impact plaintiffs' ability to prepare the Pretrial Order. 15-20 depositions have yet to  
16 be taken in connection with these matters, both set as jury trials.

17 Meanwhile, the paralegal assisting counsel in preparing the exhibits for trial is out of the  
18 office until September 7, 2015 assisting her daughter and her family in connection with the birth of  
19 the daughter's second child. The paralegal's absence presents a significant hardship as she is  
20 familiar with the file and needed to compile trial exhibits.

21 By virtue of these scheduling issues, additional time is needed to complete the Joint Pretrial  
22 Order.

23 Plaintiffs have proceeded diligently as the deadline to file the Joint Pretrial Order was set by  
24 this Court on July 29, 2015. See Dkt. No. 72. Given the proximity of this deadline, however,  
25 substantial hardship exists given the scheduling issues noted above.

26 Plaintiffs have met and conferred with counsel for defendant Ironshore regarding the  
27 requested 45 day extension and confirmed that Ironshore does not oppose the relief requested  
28 herein. See Exhibit A.

1 Accordingly, it is respectfully requested that this motion be granted and that the deadline to  
2 file the Joint Pretrial Order by 45 days to October 12, 2015.

3 Dated: August 10, 2015

4 MORALES FIERRO & REEVES

5  
6 By: /s/ William C. Reeves  
7 William C. Reeves  
8 MORALES FIERRO & REEVES  
9 600 S. Tonopah Drive, Suite 300  
Las Vegas, NV 89106  
Attorneys for Plaintiffs

10  
11 Supporting Declaration

12 I, William Reeves, declare under penalty of perjury as follows:

13 1. I am an attorney with Morales Fierro & Reeves ("MFR"), counsel for Plaintiffs in  
14 this matter.

15 2. I learned of the deadline to file the Joint Pretrial Order on July 29, 2015.

16 3. I am currently preparing for trials in the following two (2) separate matters:

17 a. Bates v. EBMUD, Contra Costa County (Cal.) Case No.: C13-02540  
18 ("Bates"); and

19 b. C. Overaa & Co. v. US Glass & Aluminum. Inc., San Francisco County  
20 (Cal.) Case No.: CGC10505585 ("Overaa").

21 4. I represent the plaintiff in each case. Trial in Bates is scheduled to commence on  
22 August 21, 2015 while trial in Overaa is scheduled to commence on September 14, 2015. These  
23 trial dates significantly impact my ability to prepare the Joint Pretrial Order in this case as 15-20  
24 depositions need to be taken and completed in both matters. This fact, coupled with the necessary  
25 pre-trial work and trial attendance, impact my ability to prepare the Pretrial Order in this case.

26 5. Meanwhile, the paralegal I have been working with in this matter, Deanne Morales,  
27 is out of the office until September 7, 2015 assisting her daughter and her family in connection with  
28 the birth of the daughter's second child. As Ms. Morales plays a central role in organizing all

1 exhibits, her absence significantly impacts my ability to prepare the Joint Pretrial Order in this case.

2 6. I have met and conferred with counsel for defendant Ironshore regarding the  
3 requested 45 day extension and confirmed that Ironshore does not oppose the relief requested  
4 herein. True and correct correspondence which memorializes this fact is attached hereto as Exhibit  
5 A.

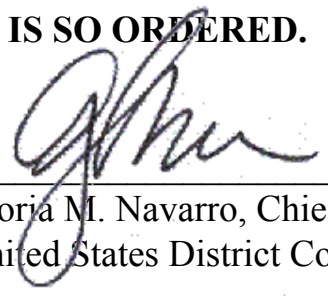
6 I declare that the foregoing is true and correct based on my own personal knowledge.

7 Executed in Pleasant Hill, California on the date specified below.

8 Dated: August 10, 2015

9  
10 /s/ William C. Reeves  
William C. Reeves

11  
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14  
15 **IT IS SO ORDERED.**

16   
17  
18 Gloria M. Navarro, Chief Judge  
United States District Court

19  
20 **DATED:** 08/11/2015.  
21  
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23  
24  
25  
26  
27  
28

# Exhibit A

# Exhibit A

## William Reeves

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**From:** Witte, Philip <PDW@morisonprough.com>  
**Sent:** Thursday, August 06, 2015 12:35 PM  
**To:** William Reeves  
**Cc:** Morison, William  
**Subject:** RE: Zurich v. Ironshore - NV1

Bill:

While Ironshore will not oppose your request for an extension of the Pretrial Order deadline, it will not stipulate to an extension.

Phil

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**From:** William Reeves [mailto:wreeves@mfrlegal.com]  
**Sent:** Thursday, August 06, 2015 11:36 AM  
**To:** Witte, Philip <PDW@morisonprough.com>  
**Subject:** Zurich v. Ironshore - NV1

Good speaking with you.

Per the attached Order, the current deadline to file the Pretrial Order is August 28, 2015.

Extreme difficulty exists on this end to meet this deadline as I have a complicated jury trial scheduled to commence on August 21, 2015 with 10-15 depositions that we still need to take while my paralegal is gone the entire month of August to assist her daughter's family with a baby expected any day.

While I raised a 30 day extension, I note that I also have a jury trial on September 14 that is scheduled to go. Please let me know if Ironshore will stipulate to a 45 (or 30) day extension.

Thanks.

William C. Reeves  
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